



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONS 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 27 2006

EPA Region 5 Records Ctr.



292031

REPLY TO THE ATTENTION OF:

Lindsay Light II/OU 12/SE-5J

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

600 Fairbanks Court Development Company, LLC
c/o Mr. Richard A. Sugar, Registered Agent
30 North LaSalle Street
Suite 3000
Chicago, IL 60602

RE: Lindsay Light II Site/OU12
600 N. Fairbanks Court/252 E. Ohio Street, Chicago, Illinois
General Notice of Potential Liability

Dear Sir or Madam:

The United States Environmental Protection Agency ("U.S. EPA") has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from 600 N. Fairbanks Court/252 E. Ohio Street (the "facility"). A Phase I Environmental Assessment dated August 17, 2004, and prepared by Pioneering Engineering and Environmental Services, Inc. explained that the Lindsay Light and Chemical Company operated a monazite processing and gas light mantle manufacturing plant that generated thorium wastes found at the nearby Lindsay Light I Site (161 East Grand Avenue) and at the original Lindsay Light II Site (OU 00/316 East Illinois Street). The Lindsay Light II Sites also include OU 01/227 East Grand Avenue; OU 02/Beverly Gravel, Elgin, IL; OU 03/341 East Ohio Street; OU 04/DuSable Park; OU 05/221 North Columbus Drive/Grand Pier; OU 06/245 East Ohio Street; OU 07/319 East Illinois Street; OU 08/Parcel O, 221 North Columbus Drive; OU 09/Parcel P, 221 North Columbus Drive; OU 10/400 East Illinois Street; and, OU 11/160 East Illinois Street.

To address the threat of release from the original Lindsay Light II Site, U.S. EPA issued a Unilateral Administrative Order ("UAO"), Docket No. V-W-96-C-353 on June 6, 1996, to the Chicago Dock & Canal Trust and to Kerr-McGee Chemical Corporation. On March 29, 2000, U.S. EPA issued an amendment to the UAO that included Grand Pier Center L.L.C. The UAO and its amendment required the respondents to conduct off-site investigation and cleanup of wastes as necessary. Given the nature of the contamination, the proximity of your location to the Lindsay Light I and II Sites, and the historic use of fill in this area, U.S. EPA believes that the thorium identified at the 600 N. Fairbanks Court/252 E. Ohio Street/OU 12 property on April 26, 2006, is off-site contamination associated with the nearby Lindsay Light I and II Sites.

Please be advised that if you plan to re-develop or sell the property immediately north and adjacent to 600 North Fairbanks, you must take measures to prevent the uncontrolled release of any thorium that may be present. Those measures should include radiological surveillance, implementation of a health and safety plan, and management and disposal of any thorium contamination. Please notify U.S. EPA at least thirty (30) calendar days in advance of any construction activities at this adjacent property.

According to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. ("CERCLA"), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) ("SARA"), the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility are responsible parties. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA has received information that your organization currently owns or operates 600 N. Fairbanks Court/252 E. Ohio Street, or generated or transported hazardous substances that were disposed of from the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date. Because you have exposed and excavated radiologically contaminated soils at the above-referenced facility, arranged with Kerr-McGee Chemical LLC for the disposal of those soils on or about May 1, 2006, and are in the process of constructing a building on the property, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

As a potentially responsible party, you should notify U.S. EPA in writing within **fifteen (15) business days** of receipt of this letter of your willingness to reimburse U.S. EPA for its costs. Your response should be sent to:

U.S. EPA - Region 5
Mary Fulghum, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, IL 60604-3590

If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the facility.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Mary Fulghum of the U.S. EPA Office of Regional Counsel at (312) 886-4683.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,



for Linda M. Nachowicz, Chief
Emergency Response Branch #2

Enclosure (SBREFA Information Sheet)

cc: Roy L. Bernstein, Esq.
Arnstein & Lehr LLP
120 South Riverside Plaza
Suite 1200
Chicago, IL 60606

Tronox, Inc.
c/o Donald K. Shandy, Esq.
123 Robert South Kerr Avenue
Oklahoma City, OK 73102



U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Program
<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance>

Compliance Assistance Home Page
<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement
<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement
<http://www.epa.gov/compliance/cleanup>

Innovative Programs for Environmental Performance
<http://www.epa.gov/partners>

Small Business Ombudsman
www.sba.gov/ombudsman

Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed through the Center's gateway at <http://www.assistancecenters.net> or by calling the phone numbers below and at their respective websites:

Metal Finishing

(1-800-AT-NMFRC or www.nmfrc.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture

(1-888-663-2155 or www.epa.gov/agriculture)

Printed Wiring Board Manufacturing

(1-734-995-4911 or www.pwbrc.org)

The Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

The Transportation Industry

(1-888-459-0656 or www.transource.org)

The Paints and Coatings Center

(1-800-286-6372 or www.paintcenter.org)

Three new centers are under development for the auto salvage sector, the construction industry, and U.S. Mexican border waste issues.

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org/state.html>.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (<http://www.epa.gov/compliance/incentives/auditing>) and the Small Business Policy (<http://www.epa.gov/compliance/incentives/smallbusiness>).

These do not apply if an enforcement action has already been initiated.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community because the regulated community previously commented on its activities.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

bcc: Mary Fulghum, ORC (C-14J)
Cathy Martwick, ORC (C-14J)
Verneta Simon, OSC (SE-5J)
John Maritote, EESS (SE-5J)
Debbie Regel, EESS (SE-5J)
Denise Gawlinski, Public Affairs (P-19J)
Michael T. Chezick, Department of Interior, 200 Chestnut St., Room 244, Philadelphia, PA 19106
Alicia Corley, SETS (OS505)
Betty White, PAAS (MF-10J)
Records Center (SMR-7J)

Lindsay Light II Site/OU12
600 N. Fairbanks Court/252 E. Ohio Street, Chicago, IL

General Notice Letter Dated July 27, 2006

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

8056 2620 9000 0220 0220 1001

Regal (SE-ST) Lindsay Light II/OU12.

Postage \$ 6.37

Certified Fee 2.50

Return Receipt Fee (Endorsement Required) 1.00

Restricted Delivery Fee (Endorsement Required) 1.00

Total Postage 11.87

Sent To 600 Fairbanks Court Development Company, LLC

Street, Apt. N or PO Box No. c/o Richard A. Sugar, Registered Agent

City, State, Zip 30b North LaSalle Street Suite 3000 Chicago, IL 60602

Postmark Here

PS Form 3800

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Received by (Please Print Clearly) B. Date of Delivery</p>	
<p>1. Article Addressed to:</p> <p>600 Fairbanks Court Development Company, LLC c/o Richard A. Sugar, Registered Agent 30b North LaSalle Street Suite 3000 Chicago, IL 60602</p> <p>7/27/06</p>		<p>C. Signature</p> <p>X <i>Richard A. Sugar</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7001 0320 0006 0292 3508</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>PS Form 3811, March 2001</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>Domestic Return Receipt</p> <p>102595-01-M-1424</p>	

**REMOVAL PROGRAM
NOTICE LETTER
ROUTING SLIP
(REVISED FEBRUARY 2005)**

LINDSAY LIGHT II/OU 12
600 N. Fairbanks/252 E. Ohio, Chicago, IL
(SITE NAME)

Please sign the Yellow and check your name off this page.

Then pass the document on to the next name.

Do not sign this page, SIGN THE YELLOW

	<u>NAME</u>	<u>MAIL CODE</u>
1. ERB ENFORCEMENT SPECIALIST	<u>Debbie Regel</u>	<u>SE-5J</u> ✓
2. ERB ON-SCENE COORDINATOR	<u>Verneta Simon</u>	<u>SE-5J</u> ✓
3. EESS SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u> ✓
4. ORC STAFF ATTORNEY	<u>Mary Fulghum</u>	<u>C-14J</u> ✓
5. EESS SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u> ✓
6. EESS ACTING SECTION CHIEF	<u>Ross Del Rosario</u> <i>PR 7/25/06</i>	<u>SE-5J</u> ✓
7. ERB BRANCH SECRETARY	<u>Cynthia Beck</u>	<u>SE-5J</u>
8. ERB#2 BRANCH CHIEF	<u>Linda Nachowicz</u> <i>SB 7-26-06</i>	<u>SE-5J</u> ✓
9. RETURN TO SE-5J/EESS SECRETARY FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST.		

DATE MAILED TO PRPs: JUL 27 2006

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Lindsay Light II Site/OU12
600 N. Fairbanks Court/252 E. Ohio Street, Chicago, Illinois
General Notice of Potential Liability

The United States Environmental Protection Agency ("U.S. EPA") has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from 600 N. Fairbanks Court/252 E. Ohio Street (the "facility"). A Phase I Environmental Assessment dated August 17, 2004, and prepared by Pioneering Engineering and Environmental Services, Inc. explained that the Lindsay Light and Chemical Company operated a monazite processing and gas light mantle manufacturing plant that generated thorium wastes found at the nearby Lindsay Light I Site (161 East Grand Avenue) and at the original Lindsay Light II Site (OU 00/316 East Illinois Street). The Lindsay Light II Sites also include OU 01/227 East Grand Avenue; OU 02/Beverly Gravel, Elgin, IL; OU 03/341 East Ohio Street; OU 04/DuSable Park; OU 05/221 North Columbus Drive/Grand Pier; OU 06/245 East Ohio Street; OU 07/319 East Illinois Street; OU 08/Parcel O, 221 North Columbus Drive; OU 09/Parcel P, 221 North Columbus Drive; OU 10/400 East Illinois Street; and, OU 11/160 East Illinois Street.

To address the threat of release from the original Lindsay Light II Site, U.S. EPA issued a Unilateral Administrative Order ("UAO"), Docket No. V-W-96-C-353 on June 6, 1996, to the Chicago Dock & Canal Trust and to Kerr-McGee Chemical Corporation. On March 29, 2000, U.S. EPA issued an amendment to the UAO that included Grand Pier Center L.L.C. The UAO and its amendment required the respondents to conduct off-site investigation and cleanup of wastes as necessary. Given the nature of the contamination, the proximity of your location to the Lindsay Light I and II Sites, and the historic use of fill in this area, U.S. EPA believes that the thorium identified at the 600 N. Fairbanks Court/252 E. Ohio Street/OU 12 property on April 26, 2006, is off-site contamination associated with the nearby Lindsay Light I and II Sites.

identified at the 600 N. Fairbanks Court/252 E. Ohio Street/OU T2 property on Agency site contamination associated with the nearby Lindsay Light I and II Sites.

CONCURRENCE REQUESTED

EMERGENCY RESPONSE BRANCH, SPD

dhr 7/24/06	IS 7/24/06	RS	ESS	ORG	ORG	ESR	ESR	SPD	RA
ES Regel	OSC	RS CHIEF	ESS CHIEF	ORG	ORG CHIEF	ESR CHIEF	ESR CHIEF	SPD Director	RA

**REMOVAL PROGRAM
NOTICE LETTER
ROUTING SLIP
(REVISED FEBRUARY 2005)**

LINDSAY LIGHT II/OU 12
600 N. Fairbanks/252 E. Ohio, Chicago, IL
(SITE NAME)

**Please sign the Yellow and check your name off this page.
Then pass the document on to the next name.
Do not sign this page, SIGN THE YELLOW**

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8. ERB#2 BRANCH CHIEF	<u>Linda Nachowicz</u>	<u>SE-5J</u>
9. RETURN TO SE-5J/EESS SECRETARY FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST.		

DATE MAILED TO PRPs: _____

YELLOW COPY- YELLOW COPY- YELLOW COPY - YELLOW COPY - YELLOW COPY

SE-5J

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

600 Fairbanks Court Development Company, LLC
c/o Mr. Richard A. Sugar, Registered Agent
30 North LaSalle Street
Suite 3000
Chicago, IL 60602

RE: Lindsay Light II Site/OU12
600 N. Fairbanks Court/252 E. Ohio Street, Chicago, Illinois
General Notice of Potential Liability

Dear Sir or Madam:

The United States Environmental Protection Agency ("U.S. EPA") has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. ("CERCLA"), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) ("SARA"), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

The Lindsay Light and Chemical Company operated a monazite processing and gas light mantle manufacturing facility that generated thorium wastes found at the nearby Lindsay Light I Site (161 East Grand Avenue) and at the Lindsay Light II Site. The Lindsay Light II Site includes OU 00/316 East Illinois Street; OU 01/227 East Grand Avenue; OU 02/Beverly Gravel, Elgin, IL; ~~OU 03/341 East Ohio Street~~; OU 04/DuSable Park; OU 05/221 North Columbus Drive; OU 06/245 East Ohio Street; OU 07/310 East Illinois Street; OU 08/Parcel O, 221 North Columbus Drive; OU 09/Parcel P, 221 North Columbus Drive; OU 10/400 East Illinois Street;

CONCURRENCE REQUESTED									
EMERGENCY RESPONSE BRANCH, SPD									
dh 6/26/06	AS 6/27/06	X			X		X	X	X
ES Regel	OSC	RS CHIEF	EESS CHIEF	ORC	ORS CHIEF	ERS CHIEF	ESR COOR	SPD Director	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONS 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

SE-5J

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U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Develop a Work Plan for the radiological assessment of the Site.
2. Develop and implement a Site Health and Safety Plan.
3. Develop and implement an air monitoring plan.
4. Develop and implement Site security measures.
5. Conduct land surveying to the extent necessary to establish a grid system to locate all property boundaries, special features (pipes, storage tanks, etc.), and sample locations.
6. Place borings in critical locations (grid corners, high exposure rate areas, special features, etc.) for the purpose of measuring subsurface radiation levels. Measurements shall be recorded at each six-inch depth until the natural soils are reached or radiation levels reach background, whichever is the greatest depth.
7. Collect soil samples from the borings and analyze for radionuclide content and Resource Conservation and Recovery Act ("RCRA") characteristics. These results will then be used by the potentially responsible parties to correlate subsurface radiation levels and radionuclide content, and to determine the disposal facility.
8. Conduct off-site radiological surveying and sampling as necessary and, at a minimum implement 40 Code of Federal Regulations 192 if deemed necessary should contamination be discovered beyond current Site boundaries.
9. Based upon soil results, remove, transport and dispose of all characterized or identified hazardous substances, pollutants, wastes or contaminants at a RCRA/CERCLA approved disposal facility in accordance with the U.S. EPA off-site rule.

10. The soil clean-up criterion is 7.1 pCi/g total radium (Ra-226 + Ra-228) including background, unless analyses indicates the existence of additional contaminants, hazardous substances, pollutants or wastes.

U.S. EPA has received information that your organization currently owns or operates 600 N. Fairbanks Court/252 E. Ohio Street (the "facility"), or generated or transported hazardous substances that were disposed of the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work.

Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within five (5) business days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

U.S. EPA - Region 5
Mary Fulghum, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, IL 60604-3590

If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This

letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Mary Fulghum of the U.S. EPA Office of Regional Counsel at (312) 886-4683.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

Linda M. Nachowicz, Chief
Emergency Response Branch #2

Enclosure (SBREFA Information Sheet)

cc: Roy L. Bernstein, Esq.
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